

REMARKS/ARGUMENTS

Reconsideration and allowance are respectfully requested in view of the following remarks. No new matter is added. Claims are canceled herein only to make room for new claims without incurring additional claim fees.

Interview Summary

The undersigned thanks Examiners Baig and Kelley for taking the time to conduct a telephone interview on January 25, 2011. During the interview, claim 1 was discussed in comparison with the Stone and Minne documents, and the arguments that undersigned presented are essentially those presented below. No agreement was reached.

In addition to the grounds of rejection set forth in the Office Action, the Examiners proposed a potential new ground of rejection. In particular, the Examiners referred to so-called (but unidentified) HDTV protocol, and alleged that if a device is communicating using HDTV protocol, then the system must know that the device is an HDTV. Applicant respectfully submits that, even if the allegation were true, it would not be helpful to rejecting the claims, as will be discussed in the arguments below.

Claim Rejections

Claims 1, 9-11, and 18-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0120384 to Stone, et al. ("Stone") in view of U.S. Patent Application Publication No. 2005/0138654 to Minne ("Minne").

Applicant respectfully traverses this rejection for at least the following reasons.

Independent Claim 1

Independent claim 1 recites:

a video receiving device configured to be coupled to a video service provider headend and comprising an interconnect, wherein the video receiving device and the HDTV are configured such that responsive to the interconnect of the HDTV being initially electrically coupled to the interconnect of the video receiving

device, the HDTV presents a data signal to the video receiving device, the video receiving device determines whether the HDTV is in fact an HDTV, and responsive to determining that the HDTV is an HDTV, the video receiving device presents the data signal to the headend.

The Office Action relies on Stone to disclose a terminal 103 (the alleged “video receiving device”), a TMDS link 128 and DVI/HDMI port 114 (the alleged “interconnect”), and an HDTV 103 (the alleged “HDTV”), all shown in Fig. 3. The Office Action correctly indicates that Stone fails to teach or suggest determining whether the HDTV is in fact an HDTV, and also presenting the data signal to the headend responsive to determining that the HDTV is an HDTV.

The Office Action attempts to overcome these deficiencies of Stone by turning to Minne. The Office Action alleges that Minne discloses a consumer media unit 14 having an HDTV tuner 30, a memory 32, and a consumer identifier 128 that is used to obtain and verify the identity of the consumer media unit 14. (Minne Figs. 1 and 2; paragraph 0035). The Office Action concludes that “it would have been obvious to combine the teachings of Stone and Minne to provide relevant data to the HDTV set.” Office Action, p. 3.

It is respectfully submitted that there is no possible combination of Stone and Minne that would result in a terminal 103 or consumer media unit 14 that “determines whether the HDTV is in fact an HDTV.” This feature is simply missing from both references. Minne at paragraph 0035 discloses that consumer identifier 128 is used to obtain and verify the identity of consumer media unit 14. However, even if the Office Action were comparing the above determining with the verification, the verification does not involve the feature of, “determines whether the HDTV is in fact an HDTV.”

Nor is such verification taught as being performed by consumer media unit 14. Rather, the verification is performed by the service provider side (an intermediary 18, a content provider 15, and/or an HDTV provider 12; see Minne at paragraph 0035). Thus, even if the verification were alleged to involve determining whether the HDTV is in fact an HDTV (which it does not), such verification is not performed by the alleged recited “video receiving device.” This is in contrast with

the claim 1 recitation of “*the video receiving device determines whether the HDTV is in fact an HDTV.*” Thus, any inclusion in Stone of the verification function of Minne might, at best, modify the service provider side of Stone, rather than the terminal 103 (the alleged video receiving device) of Stone.

It is further respectfully submitted that there is no teaching or suggestion in Stone or Minne of sending consumer identifier 128 or any other data “*responsive to determining that the HDTV is an HDTV,*” as recited in claim 1. Rather, consumer identifier 128 is simply sent during certain transactions regardless of whether the HDTV is determined in fact to be an HDTV, and independently of whether the above-discussed verification takes place.

Thus, while a combination of Stone and Minne might, at best, result in the terminal 103 of Stone sending a consumer identifier 128, such a combined teaching would not result in the terminal 103 of Stone that (1) “*determines whether the HDTV is in fact an HDTV*” and that (2) sends the consumer identifier “*responsive to determining that the HDTV is an HDTV,*” both as required by claim 1.

During the interview, the Examiners proposed a new ground of rejection not included in the Office Action. In particular the Examiners referred to a so-called well-known HDTV protocol, and alleged that if a device is communicating using HDTV protocol, then the system must know that the device is an HDTV. In other words, if the device is requesting and receiving HDTV formatted content, then the system must already know that the device is an HDTV. Should this ground of rejection be asserted in a future Office Action, Applicant respectfully requests evidence of this aspect of HDTV “protocol,” and how precisely such alleged features would be incorporated into the rejection. Applicant also respectfully submits that, even if the allegation were true, it would not be helpful to the rejection.

For instance, even if the allegation were true, Applicant does not believe there would have been any teaching or suggestion under such a “protocol” that a data signal from the HDTV was presented to the headend *responsive to determining* that the HDTV is an HDTV, as required by claim 1. Rather, according to the situation hypothesized by the Examiners, if any data signal from a

device coupled to a video receiving device were received by the video receiving device, then the video receiving device would have presented that data signal to the headend regardless of whether the coupled device is or is not determined to be an HDTV (this is purely in response to the Examiners' allegation; Applicant does not concede that such a data signal would be presented to the headend at all).

In contrast, an example embodiment consistent with claim 1 is shown in Fig. 2 of Applicant's specification, in which the signal received from the coupled device is either sent (step 208) or not sent (step 210) depending upon whether the device is determined to be an HDTV. This embodiment is also consistent with newly-added dependent claims 34-38.

For at least these reasons, it is submitted that claim 1 is allowable over Stone and Minne, either alone or in combination.

Independent Claims 11, 20, 21, and 24

It is submitted that independent claims 11, 20, 21, and 24 are also allowable over Stone and Minne for at least similar reasons as discussed above with regard to claim 1.

Dependent Claims

The dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein.

Conclusion

All rejections having been addressed, it is submitted that the present application is in condition for allowance. The Examiner is invited to telephone the undersigned with any questions.

Respectfully submitted,

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